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Stephen A. Terrile HAMILTON & TERRILE, LLP PO Box 203518 Austin, TX 78720				
EXAMINER				
CARTER, CANDICE D				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/697,173

Applicant(s)

ENIS ET AL.

Examiner

CANDICE D. CARTER

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-10 and 12-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-10 and 12-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. The Following is a Non-Final Office Action in response to communications received on August 8, 2008. Claims 1, 10, 19 and 20 have been amended. Claims 2 and 11 have been cancelled. No claims have been added. Therefore, claims 1, 3-10, and 12-26 are pending and have been addressed below.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. **Claims 1 and 3-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims are directed towards a method for creating knowledge in a solution network.

Examiner contends that a process must be (1) tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. Neither of these requirements is met by these claims, therefore, these claims do not qualify as a statutory process.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-13, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. (6,615,240) in view of Stier et al. (6,560,589).

As per claim 1, Sullivan et al. discloses "A method for creating knowledge in a solution network comprising:

generating knowledge for a solution network based upon an interaction with a user of the solution network" (col. 3, line 64-65 discloses capturing diagnostic information for use by the technical support center, where diagnostic information is knowledge, and where diagnostic information is generated upon interaction with a user);

"saving the knowledge for the solution network while interacting with the user" (col. 13, line 23-26 discloses information provided to the diagnostic center is stored in the RDMS to enlarge the knowledge base).

"incubating the knowledge for the solution network before releasing the knowledge for general access" (col. 13, line 23-26 discloses information provided to the diagnostic center is stored in the RDMS to enlarge the knowledge base, where this knowledge is stored for future use).

Sullivan et al., however, fails to explicitly disclose "the incubating holding the knowledge while the knowledge is confirmed as a successful resolution".

Stier et al. discloses a method and system for use and maintenance of a knowledge base system holding knowledge while the knowledge is being confirmed as successful (abstract discloses a knowledge entry review system reviewing knowledge

before entry into the knowledge base and claim 26 discloses reviewing knowledge for accuracy).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of Sullivan et al. to include the holding of knowledge of before entry into the knowledge base as taught by Stier et al. in order to ensure that information is accurate before it is released to the general public for public use.

Claim 10 recites equivalent limitations to claim 1 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 3, Sullivan et al. discloses "augmenting current knowledge while interacting with a user of the solution network" (col. 2, line 27-28 discloses the system captures the live context of the user's computer, where the knowledge from the session is captured and augmented while interacting with the user).

Claim 12 recites equivalent limitations to claim 3 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 4, Sullivan et al. discloses "The method of claim 1 further comprising:

providing a self help module within the solution network; enabling the user to access the self help module to access the knowledge of the solution network" (col. 8, line 31-50 discloses a self help home page enabling a user to access the knowledge base);

"and, monitoring the user activity while the user is accessing the knowledge of the solution network" (col. 2, line 27-28 discloses the system capturing the live context of the user's computer).

Claim 13 recites equivalent limitations to claim 4 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 5, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "modify the knowledge based upon the monitoring".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of Sullivan et al. to include the modification of knowledge based on the monitoring because it is old and well known to modify information stored as it changes in order to make sure that information stored is accurate and up to date.

Claim 14 recites equivalent limitations to claim 5 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 6, Sullivan et al. discloses "The method of claim 1 further comprising:

storing information relating to customer systems" (col. 12, line 1-3 discloses the server storing information pertaining to the self help session for processing in the diagnostic center, where the self help session relates to the customer systems);

"linking the information relating to customer systems to the solution network" (col. 11, line 66-67 discloses passing information about the incident on to the server for reporting and analysis purposes);

"and, using the information relating to the customer systems when generating knowledge for the solution network" (col. 13, line 23-26 discloses information provided to the diagnostic center is stored in the RDMS to enlarge the knowledge base).

Claim 15 recites equivalent limitations to claim 6 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 7, Sullivan et al. discloses "publishing the knowledge for the solution network" (col. 1, line 50-60 discloses using the web as a publishing medium for support content knowledge).

Sullivan et al., however, fails to explicitly disclose "publishing the knowledge for the solution network immediately upon release of the knowledge such that the knowledge for the solution network is available to other users of the solution network as soon as the knowledge is released".

It would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of Sullivan et al. to include the publishing of knowledge immediately upon release of the knowledge because it is old and well known to notify the public when new support information becomes available. For example, when new virus definitions become available they are immediately released to the public so that the public may be aware of such updates.

Claim 16 recites equivalent limitations to claim 7 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 9, Sullivan et al. discloses "the solution network supports customer systems; and the customer systems include information handling systems" (col. 1, line 31-34 discloses the automated technical support system can automatically check a user's computer, where the computer is the customer system, and where a computer is an information handling system).

Claim 18 recites equivalent limitations to claim 9 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 19, Sullivan et al. discloses "A solution network comprising:
a technician interface, the technician interface enabling generating knowledge based upon an interaction with a user of the solution network" (col. 12, line 16-23 discloses relevant information about the self help session is provided to the representative interface, where the representative is the technician and where the self help information is the knowledge);

"a repository coupled to the technician interface, the repository storing knowledge relating to troubleshooting solutions, the knowledge relating to troubleshooting solutions including the knowledge based upon the interaction with the user, the knowledge based upon the interaction with the user being stored in the repository while interacting with the user" (Fig. 2 discloses the relational database [RDBMS] linked to the SE desktop, where the SE desktop is the technician interface, col. 13, line 24-26 discloses

information stored in the RDBMS enlarges the knowledge base, and col. 12, line 1-3 discloses self help information stored and processed in the diagnostic center);

“and an information broker coupled to the technician interface and to the repository, the information broker determining a best answer for the user based upon information provided by the user” (col. 9, line 40-49 discloses execution of a diagnostic map run during the self help process produces a self-help answer, where the diagnostic map is coupled to the system containing the knowledge base).

The Sullivan et al. and Stier et al. combination, however, fails to explicitly disclose “the knowledge being incubated before being released for general access, wherein incubating the knowledge holds the knowledge while the knowledge is confirmed as a successful resolution”.

Stier et al. discloses a method and system for use and maintenance of a knowledge base system holding knowledge while the knowledge is being confirmed as successful (abstract discloses a knowledge entry review system reviewing knowledge before entry into the knowledge base and claim 26 discloses reviewing knowledge for accuracy).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the holding of knowledge of before entry into the knowledge base as taught by Stier et al. in order to ensure that information is accurate before it is released to the general public for public use.

As per claim 20, Sullivan et al. discloses "a customer interface, the customer interface being coupled to the repository and to the technician interface, the customer interface for a customer to the solution network" (Fig. 5, discloses a customer interface and col. 5, line 60-67 discloses client machines interfacing with the support center as displayed in Fig. 2).

3. Claims 8, 17, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. in view of Stier et al. and further in view of Gibson et al. (2003/0187672).

As per claim 8, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "maintaining a service history on a customer basis; using the service history to tailor customer specific solutions".

Gibson et al. discloses a method, system and program for servicing customer product support requests maintaining a service history on a customer basis and using the service history to tailor customer specific solutions (§ 27 discloses a customer database containing customer device records and service histories for each customer and § 34 discloses that the information stored in the customer records to determine a service level in order to tailor service to the customer).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the service history maintenance

and use as taught by Gibson et al. in order to ensure that technical support sessions are specific to the customer.

Claim 17 recites equivalent limitations to claim 8 and is, therefore, rejected using the same art and rationale as set forth above.

As per claim 21, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a real time publishing agent, the real time enabling the solution network to release knowledge while the solution network is operating".

Gibson et al. discloses a method, system and program for servicing customer product support requests having a real time publishing agent (§ 37 discloses that others may observe the chat session between the customer and the technical support agent in real time).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the real time publishing agent as taught by Gibson et al. in order to allow customers to view solutions as they are being released.

As per claim 22, the Sullivan et al. and Stier combination discloses all of the elements of the claimed invention but fails to explicitly disclose "an external repository, the external repository storing information relating to customers, the external repository being coupled to the technician interface".

Gibson et al. discloses a method, system, and program for servicing customer product support requests having an external repository storing information relating to customers (Fig. 1 displays an external customer database which is coupled to the technical support interfaces via the vendor network).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the external customer database as taught by Gibson et al. in order to make customer specific support information available to technical support agents.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. in view of Stier et al. and further in view of Macleod Beck et al. (2002/0055853).

As per claim 23, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a replacement parts module, the replacement parts module generating solutions relating to which replacement parts are associated with particular systems".

Macleod Beck et al. discloses a method for providing self help modules having a replacement parts module (§ 386 discloses a module for obtaining replacement parts information).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the replacement parts module

as taught by Macloed Beck et al. in order to facilitate the ordering and obtaining of necessary replacement parts as support solutions.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. in view of Stier et al. and further in view of Sullivan et al. (6,999,990, hereinafter Sullivan '06).

As per claim 24, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a solution authoring module, the solution authoring module enabling authoring of authored knowledge solutions and applying attributes to the authored knowledge solutions".

Sullivan '06 discloses a technical support chain using active journaling having solution authoring (claim 18 discloses creating a journal that includes a history of a problem incidents and a problem resolutions, where the journal is published).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the solution authoring as taught by Sullivan '06 in order to facilitate problem resolutions for new incidents.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. in view of Stier et al. and further in view of Wilson et al. (2004/0117151).

As per claim 25, the Sullivan et al. and Stier et al. combination discloses all of the elements of the claimed invention but fails to explicitly disclose "a non-solution network

content module, the non-solution network content module storing information regarding policies and procedures within the repository".

Wilson et al. discloses an interactive diagnostic system and method having a non-solution network content module storing policies and procedures (§ 30 discloses a knowledge base configured to contain a plurality of rules for trouble shooting, where the rules are policies and procedures for trouble shooting).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of the Sullivan et al. and Stier et al. combination to include the knowledge base of troubleshooting rules as taught by Wilson et al. in order to gather and interpret information to further the problem resolution process.

7. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al. in view of Stier et al. and further in view of Staub (5,546,507).

As per claim 26, Sullivan et al. discloses all of the elements of the claimed invention but fails to explicitly disclose "a decision tree authoring module, the decision tree authoring module linking knowledge in a process oriented manner".

Staub et al. discloses an apparatus and method for generating a knowledge base having a decision tree authoring module (col. 3, line 49-55 discloses knowledge authoring system interface to construct a graphical representation of the knowledge base as a decision tree).

Therefore, it would have been obvious to one of ordinary skill in the pertinent art at the time the invention was made to modify the technical support chain automation of

the Sullivan et al. and Stier et al. combination to include the decision tree authoring module as taught by Staub et al. in order to graphically display all possible solutions.

Response to Arguments

8. Applicant's arguments with respect to claims 1, 10, and 19 have been considered but are moot in view of the new ground(s) of rejection.

In response to arguments in reference to claims 3-12, 12-18, and 20-26, all rejections made towards the dependent claims are maintained due to a lack of reply by the applicant in regards to distinctly and specifically pointing out the supposed errors in the examiner's prior office action (37 CFR 1.111). The Examiner asserts that the applicant only argues that the dependent claims should be allowable because the independent claims are unobvious and patentable over the prior art.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horton et al. (5,533,093) discloses automated trouble shooting. Bereiter et al. (6,145,096) discloses a method for iterative problem solving. Haruki et al. (7,149,705) discloses a computer-related product user management and service system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CANDICE D. CARTER whose telephone number is (571) 270-5105. The examiner can normally be reached on Monday thru Thursday 7:30am- 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D. C./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629